

MINUTES OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
MAG REGIONAL COUNCIL EXECUTIVE COMMITTEE
July 19, 2010
MAG Offices, Cholla Room
302 N. 1st Avenue, Phoenix, Arizona

MEMBERS ATTENDING

Mayor Thomas L. Schoaf, Litchfield Park, Chair	Mayor Jim Lane, Scottsdale
* Mayor Hugh Hallman, Tempe, Vice Chair	Mayor Michael LeVault, Youngtown
Mayor Marie Lopez Rogers, Avondale, Treasurer	# Councilwoman Peggy Neely, Phoenix
	Mayor Scott Smith, Mesa

* Not present

Participated by video or telephone conference call

1. Call to Order

The Executive Committee meeting was called to order by Chair Schoaf at 12:00 p.m. He noted that was and updated agenda and additional backup information at the table. Chair Schoaf stated that public comment cards were available for those members of the public who wish to comment. Transit tickets were available from Valley Metro for those using transit to come to the meeting. Parking validation was available from MAG staff for those who parked in the parking garage.

2. Call to the Audience

Chair Schoaf noted that, according to the MAG public comment process, members of the audience who wish to speak are requested to fill out the public comment cards. He stated that there is a three-minute time limit. Public comment is provided at the beginning of the meeting for items that are not on the agenda that are within the jurisdiction of MAG, or non-action agenda items that are on the agenda for discussion or information only. Chair Schoaf noted that no public comment cards had been received.

3. Consent Agenda

Chair Schoaf noted that prior to action on the consent agenda, members of the audience are provided an opportunity to comment on consent items that are being presented for action. Following the comment period, Committee members may request that an item be removed from the consent agenda. Chair Schoaf noted that no public comment cards had been received.

Chair Schoaf requested a motion to approve the consent agenda. Mayor Lane moved to approve items #3A through #3D. Mayor Lopez Rogers seconded the motion and the motion carried unanimously.

3A. Approval of the June 21, 2010 Executive Committee Meeting Minutes

The Regional Council Executive Committee, by consent, approved the June 21, 2010, Executive Committee meeting minutes.

3B. Consultant Selection for the MAG Intelligent Transportation Systems and Transportation Safety On-Call Services Request for Qualifications

The Regional Council Executive Committee, by consent, approved the selected list of consultants for the ITS and Transportation Safety on-call services, for the following areas of expertise: (1) Traffic Engineering, (2) ITS Planning, (3) ITS Operations Planning, (4) ITS Training, (5) ITS Evaluation & Feasibility Studies, (6) ITS Modeling and Supporting Services (7) Regional Fiber Network Planning and Management (8) Transportation Safety Planning. The FY 2011 MAG Unified Planning Work Program and Annual Budget, approved by the MAG Regional Council in May 2010, includes a number of projects to be launched in the areas of Intelligent Transportation Systems (ITS) and Transportation Safety. These projects will be executed through on-call consultant contracts with qualified consultants selected in eight areas of technical expertise. A request for qualifications was advertised on April 26, 2010. Two selection panels, each appointed by the ITS Committee and the Transportation Safety Committee, evaluated the statements of qualifications and recommended to MAG the selection of a number of qualified consultant teams, in each of the areas of expertise. On June 22, 2010, the MAG Transportation Safety Committee recommended approval of the list of consultants for Transportation Safety Projects. On July 7, 2010, the ITS Committee recommended approval of the on-call list of consultants for ITS projects. This item was on the July 14, 2010 MAG Management Committee agenda to recommend approval.

3C. Consultant Selection for Building and Employment Databases Project

The Regional Council Executive Committee, by consent, approved the selection of Applied Economics to conduct the Building and Employment Database project in an amount not to exceed \$100,000. The fiscal year (FY) 2010 MAG Unified Planning Work Program and Annual Budget, approved by the MAG Regional Council in May 2009, includes \$100,000 to create a unified Building and Employment Database. This database will allow for better modeling and visualization capabilities for MAG staff and MAG member agencies. Five proposals were received in response to a request for proposals that was advertised on April 7, 2010. On June 15, 2010, a multi-agency evaluation team reviewed the proposals and unanimously recommended to MAG the selection of Applied Economics to conduct this project in an amount not to exceed \$100,000. This item was on the July 14, 2010 MAG Management Committee agenda.

3D. Amendment of the FY 2011 MAG Unified Planning Work Program and Annual Budget to Accept FY 2010 Federal Highway Administration Metropolitan Planning Funding

The Regional Council Executive Committee, by consent, approved the amendment to the FY 2011 MAG Unified Planning Work Program and Annual Budget to decrease the FY 2010 Federal Highway Administration Metropolitan Planning funding by \$4,479.64. Each year, MAG prepares a Unified Planning Work Program and Annual Budget that lists anticipated revenues for the coming year. Recently, MAG was notified by the Arizona Department of Transportation of the official amount of FY 2010 Federal Highway Administration Metropolitan Planning (PL) funding.

An amendment to the FY 2011 MAG Unified Planning Work Program and Annual Budget is needed to decrease this amount by \$4,479.64.

4. Sustainable Communities Program Grant

Amy St. Peter thanked the Chair and Executive Committee. Ms. St. Peter stated that HUD Sustainable Communities Planning Grant Program makes \$100 million available nationally to support the creation of regional plans for sustainable development. She noted that of this amount, \$5 million is available for large metro areas and \$2 million is available for small metro or rural areas. The grant period is three years. Ms. St. Peter explained that applying for this funding now may position the region well if such plans become a requirement with the reauthorization of federal funding. In addition, if the application meets certain threshold requirements, then all partners of the project can receive a "preferred sustainability status" that will make them more competitive when applying for other federal grants. She stated that the Notice of Funding Availability (NOFA) was released on June 24th with a deadline of August 23rd. This provides just 60 days to prepare a competitive application. Ms. St. Peter stated that staff has been working hard to develop a response that puts the region in the most advantageous position and best reflects the priorities of this region. She reported that there appears to be consensus for MAG to apply as the lead applicant on behalf of the Sun Corridor. She noted that it was confirmed with the US Department of Housing and Urban Development (HUD) that the Sun Corridor is eligible as a mega region and will include the entire areas of Maricopa, Pima, and Pinal Counties. To date, there are two other mega regions applying, Utah and Florida. Ms. St. Peter stated that staff has been working closely with the Pima Association of Governments and the Central Arizona Association of Governments to identify unifying elements that retain flexibility and control at the local level.

Ms. St. Peter stated that one area of focus that has been identified in this region is developing additional green housing and jobs along high capacity transit routes. She noted that CAAG and PAG are each taking approaches that respond to their needs. CAAG is very interested in economic development and PAG has been partnering with Imagine Greater Tucson in a visioning process. Ms. St. Peter stated that unifying elements for the entire Sun Corridor include conducting a centers study, supporting the AZ Health Survey by St. Luke's Health Initiative, conducting a tribal transit study, and completing the path along the canal system. She noted that activities will be driven by the councils of governments and their member agencies with support from community partners. The organizational chart provided reflects that the Joint Planning Advisory Council is proposed to coordinate activity at the Sun Corridor level and will not dictate any activity or requirements to the councils of governments. Ms. St. Peter stated that the grant requires applications be submitted by consortiums. She noted that MAG staff has been actively seeking partners to help fulfill this requirement and to assist with the activities proposed in the grant. The Urban Land Institute, Local Initiatives Support Corporation (LISC), Morrison Institute, regional and state transportation agencies, and a number of nonprofit agencies have all expressed interest in partnering on the grant. She noted that PAG and CAAG are in the process of identifying their partners now.

Ms. St. Peter stated that in the interest of making the most of the five weeks remaining before the grant is due, staff is seeking the Committee's direction on the following recommendations: 1) recommend MAG as the lead applicant to work collaboratively with MAG member agencies,

PAG, CAAG, and community partners to submit an application for the Sustainable Communities Planning Grant Program on behalf of the Sun Corridor by August 23, 2010. The application will request up to \$5 million for a three year period; 2) direct MAG staff to solicit signed partnership agreements and Memorandums of Understanding from diverse representatives including, but not limited to, MAG member agencies, nonprofit agencies, educational institutions, and philanthropies. This will demonstrate a high level of community engagement and collaboration; 3) recommend that the MAG Regional Council Chair sign a partnership agreement on behalf of the MAG Regional Council at the July meeting; 4) recommend that MAG, PAG, and CAAG convene local stakeholders to identify strategies at the regional level and work with the Joint Planning Advisory Council to advise on the interface between the planning regions.

Ms. St. Peter stated that the goal is to position the MAG member agencies to receive as much support as possible for local priorities where appropriate. She noted that staff looks forward to any feedback and direction as we strive to assemble a competitive application. Ms. St. Peter stated that concluded her report and she would be happy to take any questions or comments.

Mayor Lopez Rogers asked who are the other mega region applicants. Ms. St. Peter responded that staff has heard that it is Envision Utah and the superregion in Florida that is comprised of Orlando and Tampa Bay. She stated that staff is trying to collect more detail as to what their applications might look like. She noted that there are two categories that people can apply for: 1) develop a regional plan for sustainable development and 2) develop a detailed execution plan if you already have that sustainability plan and looking to identify action steps and implement the plan. Ms. St. Peter reported that Florida may be applying for a category two and Utah is proposing to wipe their slate clean and begin again at level one. Chair Schoaf asked if MAG staff envisioned the application as individual projects within each COG. Ms. St. Peter responded that there are two aspects to the grant. The individual aspect is that each region will address what can make their region more sustainable, and the unifying element or project would be the development of the path that runs along the canal system, which runs through all three counties. Ms. St. Peter also stated that we will look at a cluster study that shows the different industries and occupations that would make a region more sustainable. She noted that each region's response to that cluster study will be very different.

Mayor Smith moved to recommend MAG as the lead applicant to work collaboratively with MAG member agencies, PAG, CAAG, and community partners to submit an application for the Sustainable Communities Planning Grant Program on behalf of the Sun Corridor for up to \$5 million for a three year period and due by August 23, 2010; and to direct MAG staff to solicit signed partnership agreements and Memorandums of Understanding from diverse representatives including but not limited to MAG member agencies, nonprofit agencies, educational institutions, and philanthropies. This will demonstrate a high level of community engagement and collaboration; and to recommend that the MAG Regional Council Chair sign a partnership agreement on behalf of the MAG Regional Council at the July meeting; and to recommend that MAG, PAG, and CAAG convene local stakeholders to identify strategies at the regional level and work with the Joint Planning Advisory Council to advise on the interface between the planning regions. Mayor LeVault seconded the motion and the motion carried unanimously.

5. Joint Planning Advisory Council Update

Denise McClafferty thanked the Chair and Executive Committee. Ms. McClafferty stated that on December 17, 2009, MAG, the Central Arizona Association of Governments, and the Pima Association of Governments, signed a resolution that established the Joint Planning Advisory Council (JPAC). She noted the purpose of the JPAC is to coordinate planning activities and cooperatively work together toward a successful and economically viable Sun Corridor. Ms. McClafferty reported that on June 28th, the JPAC held a meeting to present the results of the Global Cities Institute Sun Corridor Study by AECOM, which identified the potential future economic engines for the Sun Corridor. Governor Jan Brewer also attended and opened the meeting with a discussion on Building Arizona's Economy. She noted that following this meeting, it was suggested that a subcommittee or working group be formed at MAG to provide continuity and guidance on projects related to the JPAC, such as the Freight Transportation Framework Study, the proposed inland port, and the I-11 Study. Ms. McClafferty stated that the proposed subcommittee or working group would assist in guiding these activities as they relate to MAG. She stated that staff is looking for guidance on this proposed subcommittee, and should there be agreement on forming a subcommittee or working group, the action requested would be for the Executive Committee to recommend to the Regional Council appointing a MAG subcommittee to provide continuity and guidance on projects related to the JPAC. Ms. McClafferty stated that concluded her report and she would be happy to take any questions or comments.

Chair Schoaf asked if staff had a recommendation on the composition of the subcommittee. Ms. McClafferty responded that staff is looking for guidance on the composition of the subcommittee. She noted that it could be opened up to those individuals interested and would like to serve. Mayor Smith stated that he supports the effort and believes this is our future. He noted that we need to be proactive to develop our assets and complete in the global market. He stated that it is important to keep the discussion going and identify areas to work on jointly. Mayor Smith stated that it is important that Phoenix, the central city, is on board. Councilwoman Neely stated that she sees a huge benefit that the central city be a part of this effort. She noted that we need to continue to focus on not operating in silos. She also noted that there is a huge benefit to all member agencies. Councilwoman Neely stated that GPEC reported that our highest vacancy is in industrial space throughout Maricopa County. She noted that we need to find a new strategy to fill this space. She also stated that we can not afford not to look at other options. Councilwoman Neely stated that she would be happy to take a leadership role in this effort if the Chair and Committee agree. Chair Schoaf stated that he agrees with the comments and feels that it is important to look beyond our own jurisdictions. He noted that the question is what is the composition of this subcommittee. He noted that it is important that we come up with something that we can institutionalize so that this subcommittee has a membership that rotates and is consistent with a process so that it is transparent to all those who are involved. Chair Schoaf stated that it makes sense that Councilwoman Neely lead this effort and develop the composition of the subcommittee and the process that is used on an annual basis to populate that subcommittee.

Mayor Lane stated that he agrees that this is a crossover benefit for the region and the entire state. He noted that there is a cautious area and we need to be aware of political and economic issues. Mayor Lane stated that he feels that a continuing conversation broadens our input, as well as develops relationships to bring it all together. He noted that his only concern is that we are aware

of the political and economical issues that are in front of us as we move forward. Chair Schoaf asked if any other Executive Committee member would like to work with Councilwoman Neely on the composition of this subcommittee. Mayor Lopez Rogers agrees that this effort is important. She stated that we need to look at membership from across the region, as well as businesses and rail. Mayor Lopez Roger stated that she would be happy to work with Councilwoman Neely on the composition of this subcommittee.

Mr. Smith stated that Councilwoman Neely invited him and Mr. Anderson to a meeting with APL Limited. He noted that APL Limited is the fifth largest container shipping company in the world. Mr. Smith stated the APL moved from Oakland, California to the Northeast Valley. He noted that there have been some issue with Union Pacific with the track in the Southwest Valley. APL informed us that they are the second largest shipper on Union Pacific. Mr. Smith noted that the more discussions that occur, the more chances of finding partners working toward a similar goal, such as APL. He noted that we have an asset right in our backyard. Councilwoman Neely stated that she has had conversations with Mary Peters and she is committed to helping us with bringing the two railroads together. She noted that Ms. Peters would be an excellent person to have on this subcommittee. Mayor Smith offered his assistance with the subcommittee. He noted his work on the Superstition Vistas and working across county lines.

Mayor Lane moved to approve forming a subcommittee to discuss the formation of a MAG JPAC working group to provide continuity and guidance on projects related to the JPAC, and to return to the Executive Committee with a recommendation for the composition of this working group. Councilwoman Neely seconded the motion and the motion carried unanimously.

6. MAG Public Involvement Process

Kelly Taft thanked the Chair and the Executive Committee for the opportunity to review MAG's public input process. Ms. Taft stated that at the June Management Committee meeting, a committee member noted that sometimes residents pose questions during the Call to the Audience, but under the open meeting law, members cannot engage in dialogue to address their questions. She noted that the concern was raised that MAG committee members are not always made aware of how specific issues are resolved with members of the public. The member was primarily interested in developing a policy that would more formally close the loop in communicating outcomes to the committee. Ms. Taft stated that because MAG follows a process adopted by the Regional Council and followed by all MAG committees, staff wanted to first seek the Executive Committee's guidance on how staff communicates with committees regarding public input and whether any formal changes to the process are required.

Ms. Taft began with a brief history of the MAG public involvement process. She stated that in 1991, ISTEA legislation required that MPOs adopt a formal public involvement process that includes a public comment component. In 1992, the Regional Council approved a 15 minute *Call to the Audience* for its meetings, with each speaker requested to keep comments within a three minute time period. Ms. Taft stated that in 1994 the Regional Council adopted the four-phase process that is still followed today and is made up of an early phase (when projects are submitted & recommended), a midphase (when a draft plan is completed and available for input), a final phase (just prior to the adoption of the final plan), and continuous involvement (includes a variety

of opportunities for comments ranging from public meetings, hearings, large & small group presentations, and special events). She noted that in 1996, the Regional Council approved recommendations to “re-engineer” the policy process. This resulted in increased public comment opportunities so that in addition to the Call to the Audience, residents could also comment on the Consent Agenda and on Action Items. Ms. Taft stated that in 1998, the Regional Council recommended that the programming process be enhanced through the development of early guidelines to help select transportation projects. This also led to an enhanced public involvement process involving an emphasis on early input from Title VI populations. She noted that beginning in 2001, MAG embarked on an unprecedented public involvement effort surrounding the development of the Regional Transportation Plan. This resulted in the hiring of a full time outreach specialist as well as a disability outreach associate. Ms. Taft noted that in 2006, federal transportation law again addressed public involvement by requiring MPOs to formally adopt a Public Participation Plan. The plan that was approved by the MAG Regional Council was provided to the Committee. She noted that the Public Participation Plan incorporates the input opportunities discussed so far. It also standardized public comment opportunities for all technical and policy committees. She stated that through this adopted process, MAG communicates to residents through a variety of methods and formats. This includes many small and large group presentations in which staff responds directly to questions and comments. She noted that MAG also hosts information booths at dozens of community events every year where information is distributed and questions are answered. Ms. Taft also noted that all of MAG’s web pages include a feedback link where residents can email questions or comments to MAG. In addition, project and divisional web pages contain a list of appropriate staff contacts. She added that staff frequently communicates directly to residents via phone and email.

Ms. Taft noted that in addition to these more informal methods of responding to citizens, as part of a formal adopted process, MAG produces three input opportunity reports each year. She noted that this is the primary method used for communicating input and responses to our members. She explained that comments collected or received during the early, mid and final phases are summarized and provided to MAG policy committees for review and consideration. The early phase report contains a summary of input received at the Early Phase Stakeholders meeting, as well as any other comments and materials received during the phase. Ms. Taft noted that this report does not include staff responses, but both the mid phase and final phase input opportunity reports do include transcripts of public hearing testimony accompanied by staff responses. Ms. Taft noted that a sample of the most recent input opportunity report was provided at each place. Ms. Taft stated that under the Arizona open meeting law, a public body may not engage in dialogue with the citizens or collectively discuss, consider or decide an item not listed on the agenda. She noted that individual officers may, however, respond to criticism, direct staff to respond to the individual, or ask that an item be placed on a future agenda. In the past, MAG Chairs have directed MAG staff to follow up with individual members of the public who have provided comment at MAG. She noted that MAG’s typical practice is to respond to the resident and copy the committee member or intergovernmental representative on the response as appropriate.

Ms. Taft stated that MAG contacted several communities to see how these types of communications are handled at the local level. She noted that at the City of Avondale, the city clerk automatically sends a thank you letter to those who provide public comment. Council may

direct the City Manager to follow up with the resident and the city manager assigns appropriate staff. She noted that this issue is typically not addressed again at a public meeting unless referred to the agenda. Instead, the follow up is typically provided to members one-on-one outside of the public meeting process and is not discussed or published publicly. She noted that Chandler follows a similar process and will follow up if so directed by council, but responses are not formally addressed at the public meeting. In Litchfield Park, all comments are recorded and staff is assigned to follow up. Outcomes and responses are provided verbally at the next meeting as part of the regular agenda. In some instances, it is noted that no response is required. In Glendale, staff follows up with the resident after the meeting. Ms. Taft noted that depending on the importance of the issue, Glendale staff may follow up with a memorandum to the Council regarding the outcome. She clarified that this is a separate memorandum provided to Council outside of the Council meetings or the agenda process. Ms. Taft continued with the City of Phoenix, where all citizen requests and comments are summarized in written form. The Mayor then determines if a follow-up is warranted, and if so, assigns the appropriate staff. She noted that the follow-up information is noted in a "citizens requests" form that is provided as part of the council packet at subsequent meetings. At the City of Scottsdale, if a citizen addresses the Council during a public meeting, the City Manager will typically assign a staff person to work with that citizen to reach a solution and provide information. She noted that no additional public follow-up is typically done. The City of Tempe assigns a staff person to work with the resident to resolve issues. She noted that outcomes are not typically brought forward at the public meeting, but are handled internally. Ms. Taft stated that concluded her report and she would be happy to take any questions or comments.

Chair Schoaf thanked Ms. Taft for her report, which covered a broad spectrum of public participation. He noted that the concern of the city manager from Litchfield Park was closing the loop after people made comments at a public meeting. Chair Schoaf stated that it is a good idea to complete the process and understand what our response was as an organization. Mayor LeVault asked what MAG does currently. Ms. Taft stated that MAG responds in a variety of ways. She noted if there is a public comment made at a MAG meeting during the public comment period, we typically do not respond unless directed to do so by the Chair or a member of the committee. Ms. Taft stated that if the comment is part of the formal phase, MAG does respond in the input opportunity report. She noted that most of the people who do comment at the MAG meetings are those we interact with outside of the meeting process and we do speak with them and try to address their concerns. Ms. Taft stated that she believes the committee member was requesting that response to public comment be part of the formal agenda process. Mayor LeVault stated that he is generally in favor of anything that enhances and supports citizen participation. Mayor Smith stated that he believes that any citizen who brings an issue before a committee or board should be addressed. He asked what the difference was between a citizen who shows up during a public comment period and someone who writes a letter or phones. He noted that he sees no difference. Mayor Smith stated that if someone shows up for public comment, they should not dictate a future agenda.

Chair Schoaf stated that the concern is strictly limited to comments made at MAG meetings and how staff responds to them and how the committee members are informed of that response. He noted that the citizen expects and deserves a response, similar to the response they receive if they were writing a letter or phoning in a comment. Chair Schoaf explained how it works at Litchfield

Park. He noted that at the meeting following the public comment, the committee acknowledges that fact that it was a question and an answer was provided, or that it was a comment and was referred to the appropriate staff, or whether it was a comment that did not require a specific response. He noted that it does not need to be part of a formal announcement, and suggested that it could be part of the consent agenda. Chair Schoaf noted that this shows the committee closed the loop in a public way. Mayor Lane stated that he supports citizens comments, but also agrees with Mayor Smith that just because a person shows up at a meeting and provides public comment, that he or she should not be able to dictate the agenda. He noted that the simple request to staff to respond to public comments at a meeting would be a good process. Mayor Lopez Rogers noted that in Avondale, the closure is a response from the city manager to the Mayor. Chair Schoaf stated that there needs to be a process when it is required. Councilwoman Neely asked if staff had a recommendation as to what the smoothest process would be. Dennis Smith suggested that when a question comes up on a policy or a program, not a personal comment, then the staff will get back to the chair of that committee to close the loop.

Mayor Smith moved to approve a public comment process for the MAG committees to be that when a citizen has a question on a policy or program, the MAG staff will report back to the chair of that committee on the staff response. Mayor LeVault seconded the motion and the motion carried unanimously.

7. Update on Exceptional Events and MAG Five Percent Plan for PM-10

Lindy Bauer stated that a great deal has happened since the last meeting. She noted that on June 23, 2010, the Environmental Protection Agency (EPA) indicated that the proposed consent decree had been lodged with the court, but still has to go out to public notice. According to the proposed consent decree for the lawsuit filed by the Center for Law in the Public Interest, EPA has agreed to a time line on when they would take action on the MAG Five Percent Plan for PM-10. Ms. Bauer noted that EPA intends to propose action on September 3, 2010, and then finalize the action by January 28, 2011. Mayor Smith wanted to clarify that this action is a result of the lawsuit filed by the Center for Law in the Public Interest against EPA for failure to take action on the Plan. Ms. Bauer stated that generally is correct. Mayor Smith noted that the EPA said in lieu of litigating this, we will agree with the consent decree to propose action on the Plan. Ms. Bauer stated that the January 28, 2011 date is when EPA will take final action. She noted that EPA has indicated its intent is a disapproval action. Ms. Bauer stated the EPA published this proposed consent decree in the Federal Register on July 2, 2010, which means that comments need to be submitted by August 2, 2010. In addition, MAG and the Arizona Department of Environmental Quality (ADEQ) have submitted comments to EPA on their technical support document in which EPA disagreed with the exceptional events. She noted that generally, the State has indicated three concerns with EPA's review and nonconcurrence with the exceptional events. They stated that EPA's review has not been consistent with the exceptional events rule. She noted that they also failed to take into account a great deal of information already submitted by ADEQ, and they have not been consistent as to how they have treated other areas. Ms. Bauer stated the EPA rejected an identical argument that Arizona made for an exceptional event, where they agreed with the same argument for San Joaquin. She noted that the process was unfair. She also noted that additional information, as well as supplemental information, had been submitted by ADEQ, which included some of the MAG information. Instead of EPA discussing what their thinking was, EPA instead

came into town on May 25, 2010 and said that they have made their decision. Ms. Bauer stated that the WESTAR letter has also been provided to the committee. WESTAR submitted another letter to EPA on July 6, 2010 indicating that EPA has not yet addressed the concerns of the western states and that EPA is using the flawed exceptional events rule to make some important decisions, to reject exceptional events from California and Arizona when both states believe that they have met all of the exceptional event criteria. Ms. Bauer also noted that there is a letter from Senator Allen sent to the Arizona Chamber of Commerce, the Greater Phoenix Chamber of Commerce, and the Greater Phoenix Economic Council.

Fredda Bisman stated that the agenda reflects that the committee may go into executive session to receive legal advise and discuss legal strategy, and also to interview specialized legal counsel.

Mayor LeVault moved that the Executive Committee go into executive session to receive legal advise and to interview specialized legal counsel. Mayor Lane seconded the motion and the motion carried unanimously. The Executive Committee went into executive session at 1:10 p.m.

The Executive Committee reconvened regular session at 2:00 p.m.

8. Request for Future Agenda Items

Chair Schoaf asked if there were any requests for future agenda items. There were none.

9. Comments from the Committee

Chair Schoaf asked if there were any comments for the committee members. There were no comments.

Adjournment

Mayor Smith moved to adjourn the Executive Committee meeting. Mayor Lane seconded the motion and it carried unanimously. There being no further business, the Executive Committee adjourned at 2:05 p.m.

Chair

Secretary